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No. 1866101
 Filed today 12.9.01
 by Shri M. P. S. B. 26/9
 For Shri,
 M. P. State Adm. Tribunal,
 RAIPUR.

BEFORE THE STATE ADMINISTRATIVE TRIBUNAL RAIPUR (C.G.)

O.A. NO. - 548/2001

150(1) 3779/01

Applicants :

1. Kamta Prasad Sinha S/o Kaluram Sinha
R/o Bhardakala, Teh. Gundardehi, Durg (C.G.)
2. Thakur Ram Sahu S/o Pururshottam
R/o Tikri, Arjunda, Teh. Gundardehi, Durg (C.G.)
3. Topi Ram Sahu S/o Paras Ram Sahu
R/o Kandul, Dist. Durg (C.G.)
4. Dhan singh Kalihari S/o Rameshwar
R/o Bhardakala, Gundardehi, Durg (C.G.)
5. Khorbahara Ram Sahu S/o Chamru Ram Sahu
R/o Bhardakala, Gundardehi, Durg (C.G.)
6. Smt. Keshar patel W/o Suresh Kumar
R/o Parastarai, Teh. Gundardehi, Durg (C.G.)
7. Ashok Kumar Thakur S/o Brij Pal Singh
R/o Arjunda Distt. Durg (C.G.)
8. Smt. Vimla Ramteke W/o Chandra Kumar
R/o Arjunda Distt. Durg (C.G.)
9. Sada Ram Sinha S/o Pitambar Sinha
R/o Sibdi, Bhardakala, Gundardehi, Durg (C.G.)
10. Taturam Nishad S/o Ajbiram Nishad
R/o Chicha, P.O. Bhardakala, Gundardehi, Durg (C.G.)
11. Yogeshwar Kumar Choudhary S/o Tahal Singh
R/o Malia P.O. Arjunda, Durg (C.G.)
12. Mohan Lal Sahu S/o Milap Singh
R/o Bhalukonha, Bhardakala, Gundardehi, Durg (C.G.)
13. Mannulal Kurre S/o Derharam
R/o Arjunda, Gundardehi, Durg (C.G.)
14. Amoliram Sahu S/o Mannuram Sahu
R/o Deori - D, P.O. Khursuli, Distt. Durg (C.G.)
15. Babulala Deshmukh S/o Ratan Singh
R/o Sibdi, Bhardakala, Gundardehi, Durg (C.G.)
16. Jivrakhan Lal Goswami S/o Ajit Giri Goswami
R/o Dudia, P.O. Arjunda, Gundardehi, Durg (C.G.)
17. Shatruhan Prasad Gajendra S/o Debulal
R/o Gundardehi, Durg (C.G.)
18. B.L. Markandey S/o Lathkhor Singh
R/o Tikri, Arjunda, Durg (C.G.)
19. Ishwari Prasad Sarang S/o Tejram
R/o Tikri, Arjunda, Distt. Durg (C.G.)

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20. Netram Maheshwari S/o Mulleram
R/o Arjunda, Durg (C.G.)
21. Gainram Dewangan S/o Rajaram
R/o Arjunda, Durg (C.G.)
22. Vijay Kumar Sahu S/o Jhaduram
R/o Chicha, P.O. Gabdi, Gundardehi, Durg (C.G.)
23. Ram Prasad Sahu S/o Sarju Prasad
R/o. Masabhat, P.O. Nikum, Durg (C.G.)
24. Smt. Anjali Kamlekar, W/o. Chimmanlal
R/o Arjunda, Gundardehi, Durg (C.G.)
25. Ram Chandra Yadav S/o. Harlal Yadav
R/o. Bhilai (Chicha), P.O. Gubdi, Arjunda, Durg (C.G.)

VERSUS

- Respondents :**
- 1. State of Chhattisgarh**
through the secretary, Department of School Education
Secretariat, Raipur (C.G.)
 - 2. Distt. Education Officer, Durg (C.G.)**

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNALS ACT, 1985

DETAILS OF THE APPLICATION

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SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

V. V. S. Murthy, Deputy Advocate General with Smt. Anju Ahuja, Deputy Govt. Advocate for the respondents/State.

(Passed on this 9th day of March, 2007)

1. The petitioners while working as Lower Division Teachers and Head Masters in various schools of District – Durg were transferred to other schools under the policy of rationalization, on the same terms and conditions, vide order dated 6.9.2001 (Annexure A/1).
2. The Madhya Pradesh Administrative Tribunal at Raipur vide its order dated 17.9.2001 permitted the applicants No. 6,17,18,19,22 and 25 to withdraw the petition and for rest of the applicants, directed to maintain status quo in regard to their position, as it was prevailing on 12.9.2001. By virtue of the interim order the petitioners are continuing at the original place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted, keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge